

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. Applicant has cancelled Claims 1-64 and added Claims 65-104. Applicant respectfully submits that no new matter has been added. Thus, Claims 65-104 remain pending in the application. This application has been carefully reviewed in light of the Official Action mailed July 21, 2005. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claim 38 stands rejected under 35 U.S.C. § 112, second paragraph. Claim 38 has been cancelled. Accordingly, Applicant respectfully submits that the rejection is now moot. Therefore, Applicant therefore respectfully requests the Examiner withdraw the rejection.

Rejections under 35 U.S.C. § 102

Claims 1, 4-9, 11, 12-15, 17, 20-25, 27-31, 49, 52-57, 59 and 60-63 stand rejected as anticipated by U.S. Publication No. 2002/0026645 ("Son"). Applicant has cancelled Claims 1, 4-9, 11, 12-15, 17, 20-25, 27-31, 49, 52-57, 59 and 60-63 and respectfully submits that this rejection is now moot. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 33, 36-41, 43 and 44-47 stand rejected as obvious over U.S. Publication No. 2002/0026645 ("Son") in view of U.S. Publication No. 2001/0054087 ("Flom"), Claims 2, 3, 18, 19, 50 and 51 stand rejected as obvious over U.S. Publication No. 2002/0026645 ("Son") in view of TechTarget (<http://whatis.techtarget.com>), Claims 10, 26 and 58 stand rejected as obvious over U.S. Publication No. 2002/0026645 ("Son") in view of U.S. Patent No. 6,889,385 ("Rakib"), Claims 16, 32 and 64 stand rejected as obvious over U.S. Publication No. 2002/0026645 ("Son") in view of U.S. Publication No. 2001/0054087 ("Flom") and U.S. Patent No. 6,889,385 ("Rakib"), Claims 34 and 35 stand rejected as obvious over U.S. Publication No. 2002/0026645 ("Son") in view of U.S. Publication No. 2001/0054087 ("Flom") and TechTarget (<http://whatis.techtarget.com>), Claims 42 and 48 stand rejected as obvious over U.S. Publication No. 2002/0026645 ("Son") in view of U.S. Publication No. 2001/0054087 ("Flom") and U.S. Patent No. 6,889,385 ("Rakib"). Applicant has cancelled Claims 2, 3, 10, 16, 18, 19, 26, 32-48, 50-51, 58 and 64 and respectfully submits that these rejections are now moot. Accordingly, withdrawal of the rejection is respectfully requested.

Newly Added Claims 65-103

Newly added independent Claim 65 recites separating the data into an original set of portions, converting each of the original set of portions into multiple formats to produce sets of portions, each set of portions in a distinct format, storing each of the set of portions, evaluating a set of criteria and selecting a stored first portion in a first format for delivery to the device based on the evaluation of the set of criteria.

Newly added independent Claim 79 recites a method for packaging and distributing data to devices on a communication network, comprising separating the data into an original set of portions, converting a first portion of the original set of portions into a first format and a second format, wherein the first format is distinct from the second format, evaluating a first set of criteria associated with a first device on the communication network evaluating a second set of criteria associated with a second device on the communication network, selecting the first portion in the first format for delivery to the first device on the communication network based on the evaluation of the first set of criteria and selecting the first portion in the second format for delivery to the second device on the communication network based on the evaluation of the second set of criteria.

Newly added Claim 94 recites a method for packaging and distributing data to a device, comprising augmenting the data by adding additional data, separating the data into an original set of portions, converting each of the original set of portions into multiple formats to produce sets of portions, each set of portions in a distinct format, storing each of the set of portions, evaluating a set of criteria and selecting a stored first portion in a first format for delivery to the device based on the evaluation of the set of criteria.

Thus, embodiments of the present invention provide a way to package and distribute data to devices on a communication network such that the content and format of the data being delivered may be dynamically tailored while the data is being delivered. More particularly, a piece of content may be separated into a set of original portions and each of these original portions converted into a variety of formats such that each of the portions may be stored in a variety of formats and available for delivery to a device. When a device requests the content, a set of criteria may be evaluated to determine which format should be delivered to the device. In some embodiments this set of criteria may be evaluated by a rules based decision engine and may include user influenced factors such as settings on the device, the location of the device,

bandwidth of the device etc., or external factors such the time of day, weather etc. Once a format is decided on, the first portion of the content may be delivered in this format.

In some embodiments, the set of criteria may be updated after initial delivery of the first portion of content. For some of these embodiments, this updating may be accomplished by analyzing a communication received from the device, querying the device, accessing a database or external source, or a wide variety of other methods. This updated set of criteria may then be evaluated to determine which format should be delivered to the device. Once a format is decided on, the next portion of the content may then be delivered in this format. This new format may be distinct from the format in which the first portion of content was delivered to the device. By allowing the content to be delivered using differing formats, where the format used to deliver the content may be dynamically adjusted, altered or changed during delivery of the content, a wide variety of conditions or variables may be accounted for, including conditions or variables that may undergo change during the delivery of the content itself.

It will be apparent from the above description that the capabilities of embodiments of the present invention allow the same piece of content to be delivered using differing formats for different devices. For example, when a first device requests the content, a first set of criteria may be evaluated to determine which format should be delivered to the first device and the first portion of content delivered to the device in this format. Similarly, a second device may request the same content. A second set of criteria may be evaluated to determine which format should be delivered to the second device and the first portion of content delivered to the second device in this format. As the second set of criteria may be different than the first set of criteria the format of the first portion of the content delivered to the first device may be different than the format of the first portion of the content delivered to the second device. By allowing a piece of content to be delivered to multiple devices using differing formats a wide variety of conditions or variables which may differ with respect to individual devices may be accounted for.

Furthermore, embodiments of the present invention allow content to be augmented with additional data, such as closed captioning information, SAP information, commercials, weather information etc. This may be accomplished, in some cases, by augmenting the original content before the content is separated into portions and converted to different formats and in some other cases by augmenting one or more of the portions of the original data before they are converted to different formats.

Other embodiments, additionally, may allow content being delivered to a device to be augmented with data specifically tailored for that device. For example, when a device requests content, a set of criteria may be evaluated to determine which format should be used to deliver content to the device. A portion of the content in this format is then selected for delivery to the device (as elaborated on above).

In some embodiment, before the portion in the selected format is delivered, however, the portion may be augmented based on various criteria. For example, by adding closed captioning based on user settings, adding a weather alert to the portion based on the location of the device, adding commercials to the portion based upon data regarding a user of the device, etc. This augmented portion may then be delivered to the device. In this manner, content may be augmented with data specifically tailored for an individual device, individual user, etc.

Son, by contrast, discloses a method and apparatus for streaming content in an access network which transcodes the content into a format supported by the access network. More particularly, a stream caching server has a storage medium which stores the content to be streamed by the stream caching server, in this manner concurrent streams may be provided to multiple access networks from a single copy stored on the storage medium. (See, Son Paragraph [0029]) After a user request is received from a user or subscriber of services located at a particular access network a packet processor is capable of post processing the content stored on the storage medium into a format that conforms to the particular access network. (See, Son Paragraph [0032]) That is, the underlying packet structure is adapted specifically to the requester's access network. (See, Son Paragraph [0032]) To reiterate, the transcoding in Son is performed to accommodate transfer of the content over the particular access network from which the request for content originated. (See, Son Paragraph [0033])

Thus, Son discloses a system and apparatus where a copy of the content is stored on a storage medium. In response to a user request, this copy of the content may be transcoded into a format conforming to the particular access network on which the user is located. Consequently, it appears that Son delivers the entire content to devices on a particular network in the same format. In particular, this interpretation of Son is strongly supported by the fact that to deliver the content in another format would most likely not be supported by the same network.

Additionally, Son does not disclose evaluating a set of criteria to determine which format to send to the user. Son appears to determine which format to send to the user based solely on the format supported by the network from which a user request was received.

Since Son transcodes the content based on the particular access network on which a user is located, delivers the entire content to a device in this same format and does not evaluate a set of criteria in order to determine what format to utilize, Son cannot dynamically alter the format of the content being delivered while delivering the content. Furthermore, Son cannot deliver the same content in two different formats to two devices on the same communication network, as the format of the content must correspond to the particular access network not the devices on the network themselves. As the content is formatted according to a particular access network, Son does not select a format for the content based upon an evaluation of a set of criteria, some of which may be criteria associated with the individual device to which content is to be delivered. Instead, Son selects a format strictly based on the format supported by the particular access network.

As such, Son does not disclose at least the limitations of storing each of a set of portions, evaluating a set of criteria and selecting a stored first portion in a first format for delivery to the device based on the evaluation of the set of criteria as recited by newly added Claim 65.

Son, moreover, does not disclose at least the limitations of evaluating a first set of criteria associated with a first device on the communication network evaluating a second set of criteria associated with a second device on the communication network, selecting the first portion in the first format for delivery to the first device on the communication network based on the evaluation of the first set of criteria and selecting the first portion in the second format for delivery to the second device on the communication network based on the evaluation of the second set of criteria as recited by newly added Claim 79.

Son, furthermore, does not disclose at least the limitations of augmenting the data by adding additional data, storing each of the set of portions, evaluating a set of criteria and selecting a stored first portion in a first format for delivery to the device based on the evaluation of the set of criteria, as recited by newly added Claim 94. While the Examiner cites Paragraph [0037] for the proposition that Son discloses augmenting data, Applicant respectfully disagrees. Paragraph [0037] of Son states that "packets are sized to carry additional information pertaining

to the underlying content (e.g. program system information (PSI for MPEG type packets).”
Applicant respectfully submits that sizing packets is not equivalent to augmenting data.

Therefore, for at least the foregoing reasons Applicant respectfully requests the full allowance of newly added Claims 65-104.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 65-104. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

An extension of 2 months is requested and a Notification of Extension of Time Under 37 C.F.R. § 1.136 with the appropriate fee is enclosed herewith.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,


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